

REMARKS

This amendment replaces the previously filed, unentered after final amendment of November 24, 2009 and the after final amendment of January 4, 2010. Both the November 24<sup>th</sup> amendment and the January 4, 2010 amendment should remain unentered.

The Advisory Action mailed January 28<sup>th</sup> indicated a formal error in claim 52. This amendment corrects that error. Entry of the amendment is therefore respectfully requested.

The Advisory Action mailed December 7th indicated that in the original specification the pin or dowel 30 is the attachment device engaging portion and slot 5 is a holder engagement portion page 9, lines 31ff and therefore the amendments to the specification can raise new matter issues and do not deem to place the application in better form for appeal.

Further, the Advisory Action stated that the amendment did not place the application in condition for allowance because: the 35 USC 112 remain an issue, drawing objections remain since the support means needs to be addressed in the specification and referred to within the drawings.

Applicant now understands the confusion. The PCT abstract refers to a drink container holder 31, an attachment device engagement means 30, and an object attachment device 40. The recitations in the present claim set have been amended for

U.S. practice. The specification is now amended to resolve any confusion.

A mapping of the claims to the drawing figures may prove helpful.

As per claim 43, the inventive drink container holding apparatus comprises:

- an object attachment device (bracket 40 comprised of parts 42, 44 in the elected species of Figures 3-7; 2, 3 in the embodiment of Figures 1-2) adapted for attachment to an object (1) and including a holder connector (entry slot 5 and the surrounding region); and

- a drink container holder (31; 8, 9) including attachment device connector (30 comprised of elements 6, 7 of Figures 3-7; 6,7 in Figure 1) to engage with the holder connector.

As disclosed in the paragraph on page 8, beginning at line 31, and referring to Figures 3 and 5-6, in this embodiment of the invention, the attachment device engaging portion/attachment device connector is a pin or dowel 30. The drawings make clear that the numeral 30 refers to the entire engaging portion/attachment device and not some sub-part. See the disclosure that "The pin or dowel 30 includes a shaft 7 on which one or more projections 6 are provided." Thus, the attachment device engaging portion 30 is an attachment device for attaching to a section 1.

Similarly, at page 9, beginning with line 10, it is disclosed that the pin or dowel 30 may be rotated within the slot 5 until depressions 28 in the projections 6 engage with one or both projecting ribs 33 on an internal surface of the bracket adjacent to the slot 5. Thus, slot 5 and the surrounding region is disclosed as a holder connector for the projections 6 and shaft 7 of the attachment device engaging portion 30.

As per claim 46, and as illustrated in Figures 3-5, there is an embodiment wherein the attachment device connector 30 is separable from the holder.

As per claim 47, the holder connector includes a receptacle (the region around slot 5 in Figures and 7; 10 in Figure 1) having an entry slot (see notches of slot 5 in Figures 4 and 7; 13 in Figure 1) and the attachment device connector includes a projection (6 in both embodiments) adapted to pass through the entry slot (see notches in slot 5 of Figures 4 and 7).

As per claim 48, the object attachment device comprises a bracket provided in at least two parts (42, 44; 2, 3), and as per claim 49, each said part of the bracket includes a fastening recess (opposing openings in 42, 44; 14) adapted to be provided about a part of the object in use.

As per claim 50, there is provided fastening means (46, 4) for fastening the parts of the bracket together.

As per claim 51, the projection (6) is provided on a shaft (7) that can pass through the entry slot (5, 13).

As per claim 52, the receptacle (region around slot 5; 10) includes support means (the inner surface of slot 5, and ribs 33; 11, 11a) for receiving and supporting a part of the shaft (7). See Figure 7, 1.

As per 53, the projection (6) includes two projecting portions, one portion projecting from either side of the shaft (7) and the projections being substantially opposed.

As per claim 54, the entry slot (5, 13) is oriented so that it is at an angle of substantially 45 degrees to 90 degrees to the usual orientation of the projection in use.

As per claim 54, the holder includes a ring (top part of 31, 8) for receiving a drink container.

As per claim 56, the holder includes a frame (lower part of 31, 9) to carry or hold a drink container.

### **Drawing Objection**

The drawings were objected to with respect to claim 52 said not to illustrate the recited support means.

Claim 52 is amended to correct a misspelling.

In the embodiment of Figures 1-3, the support means may be exemplified by the internal surface of the shaft receiving portions 11 and 11a, illustrated by Figure 1 as receiving and supporting a part of the shaft 7.

In the embodiment of Figures 4-7, the support means may be exemplified by the internal surface of the slot 5 and the ribs 33 which support the shaft via the projections 6.

In Figure 4 there is illustrated a shaft 7 which is inserted into slot 5 by being inserted through an aperture 32 in the holder 31 and engaging a holder engagement portion which includes/surrounds slot 5.

The device engagement means/din-dowel 30 may be rotated within the slot 5 until depressions 28 in the projections 6 engage with one or both projecting ribs 33 on an internal surface of the bracket adjacent to the slot 5 (Figures 6-7). The shaft is thereby supported.

Withdrawal of the drawing objection is solicited.

**Claim Rejection Under 35 U.S.C. § 112**

Claims 43-56 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite, stating that there is insufficient antecedent basis for the limitations "attachment device connector" and "holder connector".

The specification has been amended to provide the necessary antecedent basis.

Withdrawal of the rejection is solicited.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 43-48 and 50-56 stand rejected as obvious over Leasure 6,679,465 in view of Kurtz 5,996,957.

Claim 49 stands rejected in further view of Trautman 6,942,131.

Applicants traverse.

The Official Action has not addressed all the features recited in claim 43.

Claim 43 recites a holder connector and an attachment device connector which, when engaged, allow relative angular movement between the object attachment device and the holder in a selected plane.

In use, this relative angular movement means that the holder tends to rotate to the generally vertical position, regardless of variations in the orientation of the object attachment device.

The present invention therefore has a particular advantage for holding drink containers attached to vehicles in that it prevents spillage of any liquids despite a rocking movement. Leasure, the primary citation relied upon by the Examiner in rejecting the claim, discloses complementary engaging ratchet surfaces on the object attachment device (first member or base plate 22) and the holder (second member or bow rest 42) which retain the object attachment device and the holder in a fixed relative relationship when the holder connector and

attachment device connector are engaged (Leasure, column 2, lines 30~32 and column 2, lines 53-55).

The secondary citation, Kurtz, similarly discloses a rotatable locking mechanism (Kurtz column 4, lines 12-30) which allows the orientation of the beverage holder to be adjusted, but does not allow relative angular movement between the object attachment device and the holder when engaged, as recited in the claim.

The above-mentioned feature of claim 43 is not disclosed by either Leasure or Kurtz, and both disclosures, by including locking connectors, in fact teach away from the present invention. Thus, one of skill would not modify these references in the manner recited by claim 43.

Therefore, the prior art lacks an essential element needed for a prima facie obviousness rejection.

Further, applicants strongly reject that one of skill in the art of drink container holding devices would look to the field of archery or hunting for any usable teaching. Use of this reference for a drink container holding device appears to be a clear hindsight searching of unrelated prior art. Thus, this is another reason the rejection is not viable.

The dependent claims are allowable at least for depending from an allowable claim.

Allowance of all the claims is solicited.

Entry of the above amendments is earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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